

SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE: COOK MEDICAL, INC., IVC FILTERS
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Case No. 1:14-ml-2570-RLY-TAB
MDL No. 2570

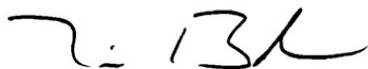
This Document Relates to:
1:17-cv-3517-RLY-TAB Alfieri

ORDER ON MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS

Before the Court is a motion from *pro se* Plaintiff Patti Alfieri to proceed on appeal *in forma pauperis*. [Filing No. 20699.] Alfieri seeks leave to appeal the Court's entry granting summary judgment to the Cook Defendants on grounds that Plaintiff's claims are barred by Nevada's statute of limitations without prepayment of the appellate fees of \$505. Alfieri's application is supported by an affidavit demonstrating a lack of financial ability to prepay the appellate fees. Alfieri notes in her affidavit accompanying her motion that her only asset is her car, worth approximately \$3,000, and that she is unemployed due to health issues. Thus, no payment is required at this time. However, while *in forma pauperis* status allows Alfieri to proceed without prepaying the appellate filing fee, she remains liable for the full fees. *See, e.g., Abdul-Wadood v. Nathan*, 91 F.3d 1023, 1025 (7th Cir. 1996) ("All [28 U.S.C.] § 1915 has ever done is excuse *pre*-payment of the docket fees; a litigant remains liable for them, and for other costs, although poverty may make collection impossible.").

For these reasons, Alfieri's motion for permission to proceed on appeal *in forma pauperis* is granted. [Filing No. 20699.]

Date: 1/6/2022



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

Distribution to all registered counsel of record via the Court's ECF system

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